In the Supreme Court of the United States

OCTOBER TERM, 1966

No. 683

ROBERT J. NEALON, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

On May 2, 1966, the Court of Claims, on the government's motion, dismissed petitioner's suit (Pet. 1), and rehearing was denied on July 15, 1966 (*ibid.*; R. 29). The petition for a writ of certiorari was filed on October 14, 1966. This was 91 days after the order denying rehearing. Title 28 U.S.C. 2101(c) provides that "any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review

shall be taken or applied for within ninety days after the entry of such judgment or decree."

We respectfully submit that the petition should be dismissed as untimely.

THURGOOD MARSHALL,
Solicitor General.

NOVEMBER 1966.

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